

Application Serial No.: 10/658,234
Attorney Docket No.: 0140115

REMARKS

This Amendment and Response is in response to the Non-Final Office Action of November 3, 2004, where the Examiner has rejected claims 1-20. By the present amendment, claims 1, 8 and 15 have been amended, and claims 9 and 16 have been cancelled. After the present amendment, claims 1-8, 10-15 and 17-20 are pending in the present application. Reconsideration and allowance of outstanding claims 1-8, 10-15 and 17-20 in view of the following remarks are requested.

A. Objection to the Specification

The Examiner has objected to the abstract of the specification, because of certain informalities. By the present amendment, applicant has amended the abstract to cure such informalities according to the Examiner's suggestions. Accordingly, applicant respectfully submits that the Examiner's objection to the abstract has been overcome.

Further, the Examiner has objected to certain informalities in the written description. By the present amendment, applicant has amended the written description to cure such informalities according to the Examiner's suggestions. Accordingly, applicant respectfully submits that the Examiner's objection to the written description has been overcome.

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B. Objection to the Claims 9 and 16

The Examiner has objected to claims 9 and 16. By the present amendment, applicant has cancelled claims 9 and 16. Accordingly, it is respectfully submitted that the Examiner's objection to claims 9 and 16 has been rendered moot.

C. Rejection of Claims 1-20 under 35 USC §112, ¶ 2

The Examiner has rejected claims 1-20 under 35 USC §112, ¶ 2, as being indefinite for the usage of the words "and further including" in independent claims 1, 8 and 15.

By the present amendment, applicant has amended each of independent claims 1, 8 and 15 to read: "... said bias circuit being coupled to an amplifier transistor, ~~and further~~ said bias circuit including a first bias transistor" Accordingly, it is respectfully submitted that the Examiner's rejection has been overcome.

The Examiner has also rejected claim 15 under 35 USC §112, ¶ 2, for lack of antecedent basis for "said first reference voltage." By the present amendment, claim 15 has been amended to replace the first occurrence of "said first reference voltage" with --a first reference voltage--. Accordingly, it is respectfully submitted that the Examiner's rejection has been overcome.

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D. Rejection of Claims 1-7 under 35 USC §103(a)

The Examiner has rejected claims 1-7 under 35 USC §103(a) as being unpatentable over Finlay, et al. (USPN 6,617,928) ("Finlay").

As surmised by the Examiner, applicant respectfully submits that Finlay is not a prior art patent under 102(e)/103(a), because according to 35 USC § 103(c), Finlay does not qualify as a prior art patent for the purpose of Examiner's rejection under 35 USC § 103(a). 35 USC § 103(c) reads as follows:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (emphasis added.)

Applicant respectfully submits that the Finlay patent and the present application were subject to an obligation of assignment to Skyworks Solutions, Inc., at the time the invention was made. As shown in the USPTO assignment records, the Finlay patent was assigned to Skyworks Solutions, Inc. in June 2002, and recorded on August 26, 2002 under Reel/Frame Nos. 013221/0837 in the USPTO. Further, the present invention was invented by the inventors while employed by Skyworks Solution, Inc. and under an obligation to assign the same to Skyworks. The inventors assigned the present invention to Skyworks Solutions, Inc. on September 3, 2003, which was recorded on September 8, 2003 under Reel/Frame Nos. 014479/0587 in the USPTO. Accordingly, claims 1-7 should be allowed.

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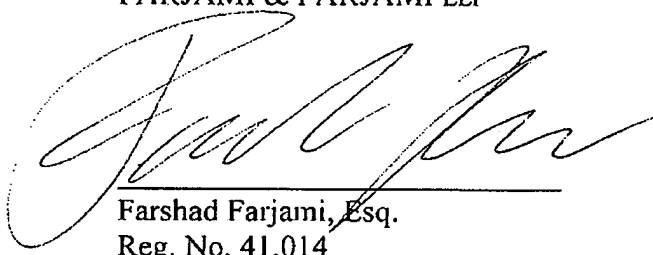
E. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-8, 10-15 and 17-20 pending in the present application is respectfully requested.

Respectfully Submitted,
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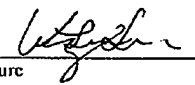

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